

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

MEDIEN PATENT VERWALTUNG AG,

Plaintiff,

v.

WARNER BROS. ENTERTAINMENT, INC.,
TECHNICOLOR INC., and DELUXE
ENTERTAINMENT SERVICES GROUP, INC.,

Defendants.

CASE NO. 1:10-cv-04119-CM

MEMO ENDORSED

HON. COLLEEN McMAHON

JURY DEMAND

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**JOINT NOTICE TO THE COURT REGARDING THE COURT'S ORDER
THAT THE PARTIES CONTACT CHAMBERS ON TUESDAY,
JULY 10, TO CONFER AND SET A SCHEDULE**

In light of the Court's recent order (ECF No. 85) that the parties are to contact chambers on Tuesday, July 10, to confer and set a schedule in this case (the "July 10 Conference"), counsel for Plaintiff Medien Patent Verwaltung AG ("MPV") and counsel for Defendants Warner Bros. Entertainment Inc. and Technicolor Inc. (collectively, "WB/Technicolor") conducted a conference call this afternoon to discuss the status of this case and now, together, file this Joint Notice.

Based on automatic-response e-mails received this afternoon by both counsel for MPV and WB/Technicolor from counsel for Defendant Deluxe Entertainment Services Group, Inc. ("Deluxe"), counsel for Deluxe was not available to join the aforementioned conference call due to their attendance at trial in another matter. Therefore, in view of the time-sensitive nature of this issue, counsel for MPV and WB/Technicolor (collectively, the "Filing Parties") file this Joint Notice without participation by Deluxe.

NYACTIVE-12674696.1

7/10/2012
As long as your schedule provides for an e-mail
all day, by 12/31/2012, fine.

But as far as I am concerned you have deliberately wasted 3 months and I am not returning them months ago.

The Filing Parties respectfully advise the Court of the following issues that, they believe, directly impact upon the ordered July 10 Conference:

- (1) Lead counsel for WB/Technicolor, Trevor Carter, is out of the office July 9–13, traveling on vacation.
- (2) Based on the automatic-response e-mails received by both counsel for MPV and WB/Technicolor from counsel for Deluxe, counsel for Deluxe is apparently unavailable for the July 10 Conference due to their attendance at trial in another matter, as mentioned above.
- (3) The Filing Parties and, presumably, Deluxe, would like the opportunity to negotiate a proposed scheduling order, seeking input from their respective clients, and submit the same to the Court for its consideration. The Filing Parties believe that this approach would be the most efficient for the parties and the Court, because it would allow the parties to discuss and potentially resolve any related issues before approaching the Court and asking for its time and assistance.
- (4) Therefore, the Filing Parties respectfully request that the Court cancel the July 10 Conference and order that the parties are to jointly submit a proposed scheduling order by a date certain; the Filing Parties respectfully suggest that the Court set **July 30, 2012** as the submission deadline.
- (5) In the event the Court prefers to proceed with the July 10 Conference as ordered, counsel for at least the Filing Parties propose to call the Court's chambers at 2:00 P.M. EDT on July 10.

Respectfully submitted this 9th day of July, 2012, by:

s/ Sean E. Jackson

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CERTIFICATE OF SERVICE

Pursuant to Rules 5(a)(1), 5(b)(1), and 5(b)(2)(E) of the Federal Rules of Civil Procedure, and Local Civil Rule 5.2, the undersigned hereby certifies that on July 9, 2012, a true and correct copy of the foregoing document was served on all counsel of record in this matter via the Court's CM/ECF system, and via electronic mail as follows:

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s/ Sean E. Jackson